

Assembly Bill No. 2079

CHAPTER 73

An act to amend Section 112910 of, to add Section 110673 to, and to repeal Sections 112885 and 112890 of, the Health and Safety Code, relating to food.

[Approved by Governor July 8, 2008. Filed with Secretary
of State July 8, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2079, Emmerson. Food.

Existing law, the Sherman Food, Drug, and Cosmetic Law, makes it unlawful for any person to misbrand any food. Misbranded food includes food that is labeled in a manner that does not conform with requirements for nutrition labeling and nutrient content or health claims set forth in the federal Food, Drug, and Cosmetic Act. Violation of these provisions is a crime.

This bill would deem food to be misbranded if its labeling does not conform with requirements for allergen labeling set forth in the federal Food, Drug, and Cosmetic Act. By changing the definition of a crime, this bill would impose a state-mandated local program.

Existing law, the Sherman Food, Drug, and Cosmetic Law, requires any person in this state who engages in the packaging or manufacture of olive oil, or in the wholesale distribution of olive oil where his or her name and address will appear on containers of one pint capacity or larger as the distributor and his or her name will appear on the containers as the only California addressee to have a license from the State Department of Public Health. Under existing law, the department is required to issue a nontransferable license, free of charge, to qualified applicants, as specified, and may revoke or suspend the license after a hearing.

This bill would repeal these provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 110673 is added to the Health and Safety Code, to read:

110673. Any food is misbranded if its labeling does not conform with the requirements for food allergen labeling as set forth in Section 403(w) of the federal act (21 U.S.C. Sec. 343(w)) and the regulations adopted pursuant thereto. Any food exempted from those requirements under the federal act, shall also be exempt under this section.

SEC. 2. Section 112885 of the Health and Safety Code is repealed.

SEC. 3. Section 112890 of the Health and Safety Code is repealed.

SEC. 4. Section 112910 of the Health and Safety Code is amended to read:

112910. All records of those operating under the provisions of this chapter that concern the amounts of olive oil produced, purchased, or produced and purchased, or the sale, distribution, or sale and distribution of any olive oil, shall be open to inspection upon demand of any agent of the department.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.